

**EXHIBIT "1"**  
**to EXHIBIT "A"**

**(Amended and Substituted Memorandum In Support  
of Plaintiff Victoria Kathrein's Motion for Class Certification)**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MICHAEL L. KATHREIN *and* )  
VICTORIA KATHREIN, on behalf )  
of herself and all others )  
similarly situated, )

**08 C 0083**

Plaintiffs, )

v. )

**DECLARATION OF VICTORIA  
KATHREIN IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
CLASS CERTIFICATION**

CITY OF EVANSTON, ILLINOIS, )  
LORRAINE H. MORTON, Mayor, )  
CHERYL WOLLIN, )  
1st Ward Alderman, City Council, )  
LIONEL JEAN-BAPTISTE, )  
2nd Ward Alderman, City Council, )  
MELISSA A. WYNNE, )  
3rd Ward Alderman, City Council, )  
STEVEN J. BERNSTEIN, )  
4th Ward Alderman, City Council, )  
DELORES A. HOLMES, )  
5th Ward Alderman, City Council, )  
EDMUND B. MORAN, Jr., )  
6th Ward Alderman, City Council, )  
ELIZABETH B. TISDAHL, )  
7th Ward Alderman, City Council, )  
ANN RAINEY, )  
8th Ward Alderman, City Council, )  
ANJANA HANSEN, )  
9th Ward Alderman, City Council, )

**JUDGE RONALD A. GUZMAN  
MAGISTRATE JUDGE SCHENKIER**

Defendants. )

**DECLARATION OF VICTORIA KATHREIN IN SUPPORT OF  
PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

I, Victoria Kathrein, declare under penalty of perjury, as provided for by the laws of the  
United States, 28 U.S.C. §1746, that the following statements are true and correct:

1. I reside in Evanston, Illinois.
2. I am one of the plaintiffs in this lawsuit.
3. I own a parcel of land in Evanston, Illinois improved with a residential structure.
4. I desire to demolish this structure.
5. My property is subject to City of Evanston Ordinances 4-22 and 40-O-07, which ordinances are the core subject of this lawsuit.
6. I understand that this lawsuit alleges that defendants' policy, custom and practice, with regard to these illegal Ordinances do, among other things, violate certain rights guaranteed by both the United States and Illinois Constitutions.
7. I understand that this lawsuit alleges said violations on behalf of a class defined as: (i) all persons in the State of Illinois or any other State, and (ii) who own or did own real estate within the municipality of Evanston, Illinois, and (iii) which real estate is or was improved with a residential structure, (iv) during the period of time June 4, 2007, through the date of class certification.
8. I understand that the class of persons on whose behalf this lawsuit was filed extends back to at least June 4, 2007.
9. I understand that a class action is a lawsuit brought by at least one person, in this case me, on behalf of a group of people who have been treated in the same illegal manner by the defendants.
10. I am willing to be the representative of the class.
11. I understand:
  - a. that as the class representative, I have the responsibility to see that the lawyers prosecute the case on behalf of the entire class, not just myself;

- b. that I may have to testify at a deposition and/or trial and provide documents and information for use in the case;
- c. that the case cannot be disposed or settled without protecting the class members – this normally meaning that the other members of the class are entitled to a fair and equitable settlement of their claims; and
- d. that the Court must approve any settlement or disposition of the case.

12. I have arranged for my attorneys to advance all costs of this action, including the cost of notification of the class, while I remain responsible for my *pro rata* share of all costs.

13. I understand that courts have, on occasion, awarded litigants money for serving as the class representative, but that I am not entitled to such money as a matter of right, and that I have not been promised or guaranteed money for assuming the status of class representative.

14. I am not employed by or related to any of the attorneys at the law firm Collins & Bargione. If the lawsuit is successful, they will be paid as ordered by the Court, from defendants' assets or from funds recovered for the class.

Executed in Evanston, Illinois on April 1, 2008.

/s/ Victoria Kathrein

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Victoria Kathrein  
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